



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

BANK OF AMERICA, N.A.,
Plaintiff,

vs.

DELORES D. GUERNSEY, ROBERT J.
GUERNSEY, HORRY COUNTY STATE
BANK, CHANNEL GROUP, LLC, OCEAN
PINES II HOMEOWNER'S ASSOCIATION,
INC.,

Defendants.

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CIVIL ACTION NO. 4:18-1594-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND REMANDING THIS CASE TO STATE COURT**

Plaintiff Bank of America, NA, filed this state foreclosure action in the Horry County Court of Common Pleas. Defendant Robert J. Guernsey)(Guernsey), proceeding pro se, removed the case to this Court.

The matter is before the Court for review of the Order of the United States Magistrate Judge in which he ordered the case be remanded to state court. The Magistrate Judge, however, recognized the Court might interpret the Order as a Report and Recommendation (Report).

The Court construes the Order as a Report suggesting the case be remanded. The Magistrate Judge gave the parties fourteen days to file objections to the Report. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 14, 2018; and the Clerk of Court filed Guernsey's objections on June 29, 2018. Thereafter, on September 10, 2018, the case was reassigned to this Court.

The Court has reviewed the objections, but holds them to be without merit. Guernsey fails to file any specific objections to the Report. Therefore, the Court will overrule the objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules the objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court this action is **REMANDED** to the Horry County Court of Common Pleas.

IT IS SO ORDERED.

Signed this 27th day of September, 2018, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.